

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

CRAIG D. DAVISON, #84015 §
VS. § CIVIL ACTION NO. 6:17cv491
FLOYD WINGO, ET AL. §

MEMORANDUM OPINION ADOPTING THE REPORT
OF THE UNITED STATES MAGISTRATE JUDGE

Plaintiff Craig Davison, an inmate confined within the Texas prison system, proceeding *pro se*, filed this civil rights lawsuit. The case was referred to the United States Magistrate Judge, the Honorable Judge K. Nicole Mitchell.

On July 9, 2018, the United States Magistrate Judge issued a Report, (Dkt. #16), recommending that Davison's lawsuit be dismissed, without prejudice, for failing to obey an order of the Court. A copy of this Report was sent to Davison at his address, return receipt requested. The docket shows that Davison received a copy of the Report on July 11, 2018, (Dkt. #17). However, to date, no objections have been filed and Davison has not communicated with the Court since March 2018.

Consequently, Davison is barred from *de novo* review by the District Judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the district court. *Douglass v. United Services Auto. Association*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. *See*

United States v. Wilson, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918, 109 S.Ct. 3243 (1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law."). Accordingly, it is

ORDERED that the Report of the United States Magistrate Judge, (Dkt. #16), is **ADOPTED** as the opinion of the Court. Further, it is

ORDERED that Plaintiff's civil rights lawsuit is **DISMISSED** without prejudice for failure to obey an order of the Court. Finally, it is

ORDERED that any and all motions which may be pending in this case are hereby **DENIED**.

So **ORDERED** and **SIGNED** February 2, 2019.



Ron Clark, Senior District Judge